

REMARKS

This Amendment is responsive to the Office Action dated December 29, 2006 in the captioned United States patent application, in which a final rejection of pending claims 32 through 50 was issued. Applicants respectfully request entry of this Amendment and consideration of the following remarks, which present the application in better form for appeal.

I. Claim Objections

In the outstanding Office Action, the Examiner objected to claim 36 because of a lack of antecedent basis for the term “said first and second charging contacts.” That issue has been corrected by amending claim 36 to remove the word “said” as shown above. Applicants note that the assumption set forth in the Office Action – that the term “charging contacts” was meant to refer to “charging pins” - is not correct. The first and second charging contacts are components of the handpiece, as claimed.

The Examiner also objected to claim 36, saying that it is “unclear how a pin senses a current.” Correction was required. Applicants respectfully disagree for at least the following reasons. First, the statutory basis for the objection was not provided, so Applicants cannot predict the basis for the objection. Second, Applicants submit that regardless of the statutory basis proposed, the term “sensing pins” as set forth in claim 36 is and would be clear to a person of ordinary skill in the art, in that both a structure and an associated function are set forth. Whether the pin itself (or an equivalent structure) senses or detects a current or voltage, or is associated with a sensor or detector that assists in the sensing or detection of the current or voltage, is a matter of design selection well within the skill of a person of ordinary skill in the field. Withdrawal of the objection is respectfully requested.

Finally, the Examiner objected to claim 46 under 37 C.F.R. 1.75(c) as being in improper form. That claim has been amended as shown above to remove the basis for the objection, and reconsideration is respectfully requested.

II. Claim Rejections

The Examiner rejected the pending claims under 35 U.S.C. 102(b) and 103(a) over references including U.S. Patent No. 5,861,729 (Maeda et al.). The Examiner indicated, in the response to Applicants’ previous comments, that “Maeda et al. disclose

that . . . when the device is [in an] on hook condition then the current flows between two charging pins, 10 and 12, [and] is sensed by the current detector.” Office Action at page 8 (ellipsis and bracketed text added by Applicants’ representative for clarity).

Even if this were true, Maeda et al. would not anticipate or render obvious the claimed invention. This is because the nearest counterpart in Maeda et al. to the first and second charging contacts in claim 32 would be the “pair of charging terminals 8 and 12” (Maeda et al. at col. 4, lines 17), and there is no suggestion of a sensing contact in the portable telephone 2 of Maeda et al. that detects current flow between those two terminals, as is required in claim 32. Similarly with regard to the charger 20 of Maeda et al., which includes “charging terminals 24 and 26” (Maeda et al. at col. 4, line 28), but no sensing pin for detecting current flow between those terminals, as is required in claim 36, for example.

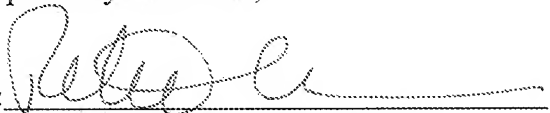
Because neither Maeda et al. nor any of the secondary references disclose a handpiece according to claim 32 that includes a sensing contact that operates as claimed, or a charger device according to claim 36 that includes a sensing pin that operates as claimed, those independent claims are patentable over the prior art of record. The dependent claims all properly depend from either claim 32 or 36, and therefore similarly in condition for allowance. Reconsideration of the final rejection of all claims is respectfully requested for at least the foregoing reasons.

III. Conclusion

This Amendment places the present application in better condition for appeal, and entry and consideration of the Amendment is requested. If a telephonic conference with the Applicants’ undersigned representative would be useful in addressing any remaining issues in the application, the Examiner is invited to contact the undersigned at 651-736-4050.

Respectfully submitted,

21 February 2007
Date

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